

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SOLOMON WILSON,

Petitioner,

v.

//

CIVIL ACTION NO. 1:06CV132
(Judge Keeley)

JOYCE FRANCIS, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 31, 2006, pro se petitioner, Solomon Wilson, filed an petition for habeas corpus pursuant to 28 U.S.C. § 2241, challenging the decision of the United States Parole Commission to revoke his parole. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09.

On November 2, 2006, the respondent, Joyce Francis ("Francis"), filed a response to the petition arguing that Wilson had failed to state a claim upon which relief may be granted. On March 24, 2009, Magistrate Judge Kaull issued an Opinion and Report and Recommendation ("R&R") recommending that Wilson's motion under § 2241 be denied and dismissed with prejudice. He concluded that, to the extent that the Parole Commission may have misapplied its regulations at Wilson's 1999 parole hearing, such violation was remedied at his hearing held in 2006. Thus no further relief was warranted and no prejudice had resulted. In addition, Magistrate

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Judge Kaul concluded that 18 U.S.C. § 4206 did not apply to Wilson's case, and thus his claim under that section lacked merit.

The R&R also specifically warned that failure to object to the recommendation would result in the waiver of any appellate rights on this issue. No objections were filed.¹

The Court, therefore, **ADOPTS** the Report and Recommendation in its entirety, **DENIES** Wilson's motion under § 2241 (dkt. no. 1), and **ORDERS** the case **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se petitioner by certified mail, return receipt requested, and to counsel of record.

Dated: May 7, 2009

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).